

REMARKS

Claims 1, 4, 8-13, 18, and 19 are pending in the application. Claims 2, 3, 5-7, and 14-17 are canceled. New claims 18 and 19 are added.

It is noted that Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

With respect to the prior art rejection, claims 1, 4, and 8-13 stand rejected under 35 U.S.C. §102(a) as anticipated by Kobata, et al. (U.S. Patent No. 6,845,308), even though the Examiner previously indicated that these claims would be allowable if the subject matter of claim 7 were to be rewritten in independent format.

This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The invention as described in claim 1, for example, is directed to a play-back device, including a plurality of play-back sources, a plurality of output units for outputting the play-back signals from the individual play-back sources, a selecting unit for selecting at least one of the play-back sources and a control unit for controlling the selecting unit so as to select the at least one of the play-back sources for outputting the play-back signals to be outputted to the output units, in response to an operation.

The control unit includes a fluctuation deciding unit for selecting, when the at least one of the play-back sources is selected and when the operation to output the play-back signals from the at least one of the play-back sources to at least one of the output units is detected, the at least one of the play-back sources relating to the operation, thereby to decide whether or not a fluctuation occurs in the play-back signals to be outputted from the output units other than the at least one of the output units relating to the operation, and a selection inhibiting unit for inhibiting the selection and change to the at least one of the play-back sources relating to the operation, when the fluctuation occurring in the play-back signals is decided by the fluctuation deciding unit (Application at page 5, line 15-page 6, line 12). The control unit selectively executes a play-back mode skipping operation when the selection inhibiting unit inhibits the selection and changes to the at least one of the play-back sources

relating to the operation.

This structure is important because it can reliably prevent play back signals to be outputted to the output units, other than the at least one of the output units relating to the predetermined operation might otherwise be changed by the selection and change of the play-back sources by that predetermined operation (Application at page 5, lines 8-14).

In a conventional vehicular audio system, as described in the Background of the present Application, playback signals outputted to an output device, such as speakers, may be changed without the listener desiring the change (Application at page 3, line 25-page 5, line 5).

In contrast, an exemplary aspect of the claimed invention may inhibit a fluctuation, or change, in the play back mode. For example, if a listener in a vehicle front seat is listening to an AM radio station, and a listener in a rear seat seeks to listen to an FM radio station, the claimed invention may inhibit the selection of the FM radio station (Application at page 28, lines 1-25).

II. THE PRIOR ART REJECTIONS

In rescinding the previous indication for allowability of the claimed invention as including reference to a play-back mode skipping operation, the Examiner now points to lines 50-60 of column 2 as indicting the skipping procedure described in independent claim 1. The Examiner additionally characterizes this description in column 2 as “... *the mode of the source currently selected by the front or rear controller cannot be changed by a source switching operation or a mode switching operation [which shows a skipping operation is performed].*”

In response, Applicants respectfully submit that one having ordinary skill in the art would not agree with the Examiner’s characterization or the description in column 2 that Kobata is reasonably describing a “skipping”, as that word is commonly understood. That is, the method of Kobata is entirely an “inhibiting” of a change of switch positions, and this technique is not a “skipping.” There is nothing in Kobata that indicates a skipping operation such as occurring in steps S17 and S24 in Figure 5 of the present application.

Both the present invention and Kobata are concerned with listeners in the front and rear sections and for preventing listing of the listeners from inhibiting. However, different

mechanisms are used.

In the present invention, when selecting a play-back mode regularly, the play-back mode changes AM, FM, CD, in order. However, if FM is selected at the front, play-back mode changes AM, CD, ..., in the selecting operation at the rear side, skipping FM. Accordingly, an arbitrary "undesirable" selection can be inhibited (e.g., by a skipping operation).

In contrast, in Kobata, if AM is selected at the rear side and an AM/FM selecting key is operated at the front side, the play-back mode at the front side follows the play-back mode at the rear side. Thus, there is no inhibiting of the selection of a play-back mode (e.g., no skipping of a play-back mode).

Hence, in Kobata there is no teaching or suggestion of: "... wherein the control unit selectively executes a play-back mode skipping operation when the selection inhibiting unit inhibits the selection and changes to the at least one of the play-back sources relating to the operation", as required by the plain meaning of the claim language of independent claim 1.

For this reason alone, the present invention is clearly patentable over Kobata.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 1, 4, 8-13, 18, and 19, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Serial No. 10/669,777
Docket No. C14-161743M/ISI

7

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 02/19/08



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